

Introduced by Senator LiuFebruary 7, 2012

An act to amend Sections 362 and 727 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1048, as introduced, Liu. Juveniles.

Existing law authorizes the juvenile court to join in a juvenile court proceeding any governmental agency or private service provider that the court determines has failed to meet a legal obligation to provide services to a child who is the subject of a dependency proceeding, and to join any governmental agency the court determines has failed to meet a legal obligation to provide services to a minor who is the subject of a delinquency proceeding.

This bill would authorize the court to join in a juvenile court proceeding any private service provider that the court determines has failed to meet a legal obligation to provide services to a minor who is the subject of a delinquency proceeding.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 362 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 362. (a) ~~When~~(1) If a child is adjudged a dependent child of
- 4 the court on the ground that the child is a person described by
- 5 Section 300, the court may make any and all reasonable orders for
- 6 the care, supervision, custody, conduct, maintenance, and support

1 of the child, including medical treatment, subject to further order
2 of the court. To facilitate coordination and cooperation among
3 ~~government~~ *governmental* agencies or private service providers,
4 or both, the court may, after giving notice and an opportunity to
5 be heard, join in the juvenile court proceedings any agency or
6 private service provider that the court determines has failed to
7 meet a legal obligation to provide services to ~~the child~~ *a child for*
8 *whom a petition has been filed under Section 300, regardless of*
9 *the status of the adjudication*. In any proceeding in which an
10 agency or private service provider is joined, the court shall not
11 impose duties upon the agency or private service provider beyond
12 those mandated by law. Nothing in this section shall prohibit
13 agencies or private service providers that have received notice of
14 the hearing on joinder from meeting prior to the hearing to
15 coordinate services for the child.

16 ~~The~~

17 (2) *The* court has no authority to order services unless it has
18 been determined through the administrative process of an agency
19 that has been joined as a party, that the child is eligible for those
20 services. With respect to mental health assessment, treatment, and
21 case management services pursuant to Chapter 26.5 (commencing
22 with Section 7570) of Division 7 of Title 1 of the Government
23 Code, the court's determination shall be limited to whether the
24 agency or private service provider has complied with that chapter.

25 (b) ~~When~~ *If* a child is adjudged a dependent child of the court,
26 on the ground that the child is a person described by Section 300,
27 and the court orders that a parent or guardian shall retain custody
28 of the child subject to the supervision of the social worker, the
29 parents or guardians shall be required to participate in child welfare
30 services or services provided by an appropriate agency designated
31 by the court.

32 (c) The juvenile court may direct any ~~and all~~ reasonable orders
33 to the parents or guardians of the child who is the subject of any
34 proceedings under this chapter as the court deems necessary and
35 proper to carry out ~~the provisions of~~ this section, including orders
36 to appear before a county financial evaluation officer. That order
37 may include a direction to participate in a counseling or education
38 program, including, but not limited to, a parent education and
39 parenting program operated by a community college, school
40 district, or other appropriate agency designated by the court. A

foster parent or relative with whom the child is placed may be directed to participate in such a program in cases in which the court deems participation is appropriate and in the child's best interest. The program in which a parent or guardian is required to participate shall be designed to eliminate those conditions that led to the court's finding that the child is a person described by Section 300.

(d) ~~When~~ If a child is adjudged a dependent child of the court, the juvenile court may direct any ~~and all~~ reasonable orders to the parents or guardians of the child who is the subject of any proceedings under this chapter, to ensure the child's regular school attendance and to make reasonable efforts to obtain educational services necessary to meet the specific needs of the child.

(e) "Private service provider" means any agency or individual that receives federal, state, or local ~~government~~ *governmental* funding or reimbursement for providing services directly to foster children.

SEC. 2. Section 727 of the Welfare and Institutions Code is amended to read:

727. (a) ~~When~~ (1) If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 601 or 602, the court may make any ~~and all~~ reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment, subject to further order of the court. To facilitate coordination and cooperation among governmental agencies *or private service providers, or both*, the court may, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency *or private service provider* that the court determines has failed to meet a legal obligation to provide services to ~~the minor~~ *a minor for whom a petition has been filed under Section 601 or 602, regardless of the status of the adjudication*. However, no governmental agency *or private service provider* shall be joined as a party in a juvenile court proceeding in which a minor has been ordered committed to the Department of ~~the Youth Authority~~ *Corrections and Rehabilitation, Division of Juvenile Facilities*. In any proceeding in which an agency *or private service provider* is joined, the court shall not impose duties upon the agency *or private service provider* beyond those mandated by law. Nothing in this section shall prohibit agencies ~~which~~ *or private service providers that have*

1 received notice of the hearing on joinder from meeting prior to the
2 hearing to coordinate services for the minor.

3 ~~The~~

4 (2) *The* court has no authority to order services unless it has
5 been determined through the administrative process of an agency
6 *or private service provider* that has been joined as a party, that the
7 minor is eligible for those services. With respect to mental health
8 assessment, treatment, and case management services pursuant to
9 Chapter 26.5 (commencing with Section 7570) of Division 7 of
10 Title 1 of the Government Code, the court's determination shall
11 be limited to whether the agency *or private service provider* has
12 complied with that chapter.

13 ~~In~~

14 (3) *In* the discretion of the court, a ward may be ordered to be
15 on probation without supervision of the probation officer. The
16 court, in so ordering, may impose on the ward any and all
17 reasonable conditions of behavior as may be appropriate under
18 this disposition. A minor who has been adjudged a ward of the
19 court on the basis of the commission of any of the offenses
20 described in subdivision (b) or paragraph (2) of subdivision (d) of
21 Section 707, Section 459 of the Penal Code, or subdivision (a) of
22 Section 11350 of the Health and Safety Code, shall not be eligible
23 for probation without supervision of the probation officer. A minor
24 who has been adjudged a ward of the court on the basis of the
25 commission of any offense involving the sale or possession for
26 sale of a controlled substance, except misdemeanor offenses
27 involving marijuana, as specified in Chapter 2 (commencing with
28 Section 11053) of Division 10 of the Health and Safety Code, or
29 of an offense in violation of Section 32625 of the Penal Code, shall
30 be eligible for probation without supervision of the probation
31 officer only when the court determines that the interests of justice
32 would best be served and states reasons on the record for that
33 determination.

34 ~~In~~

35 (4) *In* all other cases, the court shall order the care, custody, and
36 control of the minor to be under the supervision of the probation
37 officer who may place the minor in any of the following:

38 ~~(1)~~

39 (A) The approved home of a relative; or the approved home of
40 a nonrelative, extended family member, as defined in Section

1 362.7. ~~When~~ *If* a decision has been made to place the minor in the
2 home of a relative, the court may authorize the relative to give
3 legal consent for the minor's medical, surgical, and dental care
4 and education as if the relative caretaker were the custodial parent
5 of the minor.

6 ~~(2)~~

7 ~~(B)~~ A suitable licensed community care facility.

8 ~~(3)~~

9 ~~(C)~~ With a foster family agency to be placed in a suitable
10 licensed foster family home or certified family home which has
11 been certified by the agency as meeting licensing standards.

12 ~~(4) (A)~~

13 ~~(D)~~ *(i)* Every child adjudged a ward of the juvenile court who
14 is residing in a placement as defined in ~~paragraphs (1) to (3)~~
15 *subparagraphs (A) to (C)*, inclusive, shall be entitled to participate
16 in age-appropriate extracurricular, enrichment, and social activities.
17 No state or local regulation or policy may prevent, or create barriers
18 to, participation in those activities. Each state and local entity shall
19 ensure that private agencies that provide foster care services to
20 wards have policies consistent with this section and that those
21 agencies promote and protect the ability of wards to participate in
22 age-appropriate extracurricular, enrichment, and social activities.
23 A group home administrator, a facility manager, or his or her
24 responsible designee, and a caregiver, as defined in paragraph (1)
25 of subdivision (a) of Section 362.04, shall use a reasonable and
26 prudent parent standard, as defined in paragraph (2) of subdivision
27 (a) of Section 362.04, in determining whether to give permission
28 for a child residing in foster care to participate in extracurricular,
29 enrichment, and social activities. A group home administrator, a
30 facility manager, or his or her responsible designee, and a caregiver
31 shall take reasonable steps to determine the appropriateness of the
32 activity taking into consideration the child's age, maturity, and
33 developmental level.

34 ~~(B)~~

35 *(ii)* A group home administrator or a facility manager, or his or
36 her responsible designee, is encouraged to consult with social work
37 or treatment staff members who are most familiar with the child
38 at the group home in applying and using the reasonable and prudent
39 parent standard.

1 (b) ~~When~~ If a minor has been adjudged a ward of the court on
2 the ground that he or she is a person described in Section 601 or
3 602, and the court finds that notice has been given in accordance
4 with Section 661, and ~~when if~~ the court orders that a parent or
5 guardian shall retain custody of that minor either subject to or
6 without the supervision of the probation officer, the parent or
7 guardian may be required to participate with that minor in a
8 counseling or education program including, but not limited to,
9 parent education and parenting programs operated by community
10 colleges, school districts, or other appropriate agencies designated
11 by the court.

12 (c) The juvenile court may direct any ~~and all~~ reasonable orders
13 to the parents and guardians of the minor who is the subject of any
14 proceedings under this chapter as the court deems necessary and
15 proper to carry out subdivisions (a) and (b), including orders to
16 appear before a county financial evaluation officer ~~and orders~~
17 ~~directing the parents or guardians~~, to ensure the minor's regular
18 school attendance, and to make reasonable efforts to obtain
19 appropriate educational services necessary to meet the needs of
20 the minor.

21 ~~When~~
22 If counseling or other treatment services are ordered for the
23 minor, the parent, guardian, or foster parent shall be ordered to
24 participate in those services, unless participation by the parent,
25 guardian, or foster parent is deemed by the court to be inappropriate
26 or potentially detrimental to the child.

27 (d) *"Private service provider" means any agency or individual*
28 *that receives federal, state, or local governmental funding or*
29 *reimbursement for providing services directly to delinquent*
30 *children.*